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President Helen Perry Grimwood
Arizona State Bar Association
Via Email

Dear Ms. Grimwood:

Imagine my surprise at the Christmas present I received today from the bar association. At age 74 this coming year, I can possibly look forward to a hefty increase in my right to call myself an "active attorney" with not only a fee almost twice that of the Illinois State Bar, but the requirement to take MCLE classes which are also costly.

I have taken a long look at the proposed changes and I believe they are an egregious and a thinly veiled attempt to force attorneys who have reached the twilight of their careers and life, to pay hefty fees to retain that which they have certainly earned the right to keep, the simple appellation of "Attorney at Law".

I have one more year to pay to the Illinois State Bar in order to attain fee free status as an "active" attorney. It may not mean much to the younger members of the Bar to be an attorney, but it was always special to me. I have reached my 50th year as an attorney and now have to choose between "retirement" (dirty word), or inactive (even worse), or resigned (ignoble at best), in order to avoid the higher cost of retaining that right.

I have a very limited retirement style practice that earns me a little to supplement my social security income. I cannot believe the "Bar" requires this fee increase to sustain itself. The implementation of the CLE requirement is a slap in the face to those of us who have long recognized our own responsibility to ourselves and the practice of law, if not to our clients, to keep current with the specific area we choose to continue in limited active practice.

Meanwhile we are asked several times each year to spend many hours in the handling of arbitration cases which pay a huge \$75.00, or approximately one third to one fourth an average billing hour, as an "active" attorney. For most of us in my age bracket that means actual preparation of our own documents and dealing with the younger members of the bar representing the litigants, who often ignore our calls and letters in the arbitration process. For that we are also asked to donate the almost non-existent fee to the Bar Association.

As you can probably tell from the tenor of my letter, I am strongly opposed to the changes proposed. However, in the spirit of compromise, understanding that the Bar is obviously in need of financial help, I suggest the following courses of action.

1. Increase the arbitration fee to \$350.00 for each party and make \$250.00 of that a contribution to the bar association. The balance of \$200.00 should be the fee the arbitrator earns whether or not there is a hearing, so long as he or she is not removed by the act of either party. That means \$500.00 goes directly to the Bar for each case.
2. Increase the age of “no fee required” to after age 75. This is at least consistent with Illinois. I have not done a study of other states but I am sure the Bar has done so.
3. The proposed changes in reactivation after becoming either “Inactive” or “Retired” are a true hodgepodge of meaningless and costly charges which have little to do with reinstating a member’s skills, as opposed to making it difficult, if not impossible, for older attorneys who are required by circumstances either economic or otherwise, from re-entering the field of law. I personally view this as a deliberate attempt to reduce the number of attorneys allowed to practice.
4. Since I presume that most “retired attorneys” have reached an age of 70 or so, the new reinstatement provision of paying as far back as 10 years is patently ridiculous. How can that be stated as being a “lower fee” for retired attorneys?

Interesting that the so-called “illegal practice of law” is still flourishing in our State. The only real effort to limit it is to penalize out of state lawyers from any attempts to run such businesses, while pure “laymen” are allowed to continue their businesses unabated.

I am proud to be an attorney in two states. I only ask that those now in a position of power allow those of us not so endowed, to live out our lives without further sacrifice. We had certain expectations, which you now propose to eliminate in “ex post facto style”. At the risk of being less than prolific I close by saying “shame on you”.

Sincerely,

Joseph V. Moschetti